

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEIULEMAR SHIPPING SpA,

Plaintiff,

- against -

UNICORN STEEL FZE and
KREMIKOV TZI TRADE LTD.,

Defendants.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/14/07

07 civ. 4766 (DC)

ECF CASE

MEMO ENDORSED

CONSENT TURN OVER ORDER IN RESPECT OF ATTACHED PROPERTY

IT IS HEREBY STIPULATED AND AGREED, between Plaintiff DEIULEMAR SHIPPING SpA and Defendant UNICORN STEEL FZE (hereinafter "Unicorn"), that:

- Plaintiff has asserted a claim against Defendants UNICORN STEEL FZE and KREMIKOV TZI TRADE LTD. for failure to pay demurrage due and owing under two charter party contracts dated January 18, 2006 and November 10, 2006 and
- The Plaintiff and Defendant Unicorn have agreed that the Defendant Unicorn shall pay to Plaintiff the sum of \$213,592.23 as partial payment for the Plaintiff's claim above;
- Pursuant to Supplemental Admiralty Rule B of the Federal Rules of Civil Procedure, on or about June 5, 2007 Plaintiff obtained from the Court an Ex-Parte Order of Maritime Attachment together with Process of Maritime Attachment and Garnishment that authorized the attachment of Defendants' property with the Southern District of New York in an amount up to \$1,293,377.30;
- HSBC Bank, as garnishee and acting pursuant to the Ex-Parte Order and accompanying Writ of Maritime Attachment and Garnishment, restrained and attached Defendant Unicorn's property in the amount of \$213,592.23;

*as represented in plaintiff's
counsel's letter dated 11/7/07,*

- The Plaintiff and Defendant Unicorn agree that it should fund the \$213,592.23 partial payment out of the total amount owed for Plaintiff's claim from the \$213,592.23 that is currently under attachment at HSBC Bank;
- The Plaintiff and Defendant Unicorn have agreed that \$213,592.23 of the attached funds should be wired via electronic funds transfer by garnishee HSBC Bank to the following account:

DEIULEMAR SHIPPING SPA

INTESA SANPAOLO BANCO NAPOLI SPA

IBAN: IT9110101040300161009349457

Account No.: 161009349457

SWIFT: IBSPITNA

WHEREBY, IT IS HEREBY ORDERED:

Garnishee HSBC Bank shall effect an electronic funds transfer in favor of Plaintiff in the amount of \$213,592.23 which amount shall be deducted from the Defendant Unicorn's property that garnishee HSBC Bank currently holds under attachment and shall pay this amount to the following account:

DEIULEMAR SHIPPING SPA

INTESA SANPAOLO BANCO NAPOLI SPA

IBAN: IT9110101040300161009349457

Account No.: 161009349457

SWIFT: IBSPITNA

Any bank fees associated with the transferring of settlement funds to the Plaintiff's specified account shall not be deducted from the transferred funds;

The \$213,592.23 payment from Defendant Unicorn shall not be subject to any attachment in New York after those funds are released by garnishee(s) HSBC en route to Plaintiff's designated account.

SO ORDERED:


U.S.D.J.

11/14/07